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03AO 1-3200

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/620,776
	<b>Filing Date</b>	07/21/2000
	<b>First Named Inventor</b>	Daniel F. DiFonzo
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 283014-00019

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Declaration - Power of Attorney (7) - Exhibits A and B - copy of Notice - return postcard
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert P. Lenart Pietragallo, Bosick & Gordon
Signature	<i>Robert P. Lenart</i>
Date	12/19/2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 12/19/2001			
Typed or printed name	Robert P. Lenart		
Signature	<i>Robert P. Lenart</i>	Date	12/19/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Please place a plus sign (+) inside this box → ☐

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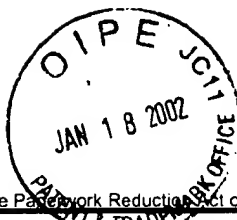
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/620,776
	Filing Date	July 21, 2000
	First Named Inventor	Daniel F. DiFonzo
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	283014-00019

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/ Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Request for Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert P. Lenart, Eckert Seamans Cherin & Mellott, LLC
Signature	<i>Robert P. Lenart</i>
Date	February 8, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <b>February 8, 2001</b>			
Typed or printed name	Robert P. Lenart		
Signature	<i>Robert P. Lenart</i>	Date	February 8, 2001

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 603.00

**Complete if Known**

Application Number	09/620,776
Filing Date	07/21/2000
First Named Inventor	Daniel F. DiFonzo
Examiner Name	
Group Art Unit	
Attorney Docket No.	283014-00019

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 500859  
Deposit Account Name: Pietragallo☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 370.00

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 14	9.00	126.00
4	-3** = 1	42.00	42.00
		0.00	0.00

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 168.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 65.00

**SUBMITTED BY**

Name (Print/Type) Robert P. Lenart

Registration No. (Attorney/Agent) 30,654

**Complete (if applicable)**

Telephone 412-263-4399

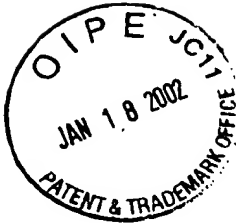
Signature

Robert P. Lenart

Date 12/19/2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DiFonzo et al. Docket 283014-00019  
Serial No. 09/620,776  
Filed: July 21, 2000 In response to: Notice of  
Incomplete Reply  
Title: DYNAMICALLY RECONFIGURABLE WIRELESS NETWORKS (DRWiN)  
AND METHODS FOR OPERATING SUCH NETWORKS

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

SIR:

RESPONSE TO NOTICE OF INCOMPLETE REPLY

In response to the Notice of Incomplete Reply dated December 6, 2001, the Declaration and Power of Attorney documents for the subject application are enclosed.

The Notice of Incomplete Reply indicates that there is a balance due of \$575 for this application. That balance due was apparently calculated based on the previous fee schedule. A fee transmittal sheet for the payment of the balance due, based on the current fee schedule, is enclosed.

The Notice of Incomplete Reply further indicates that the time to reply remains as set forth in the Notice of Missing Parts. However, Applicants never received the Notice of Missing Parts dated January 4, 2001. At the time of the Notice of Missing Parts, Applicants' attorney was with the firm of Eckert Seamans Cherin and Mellott, LLC. Since the Applicants had not received any communication from the United States Patent and Trademark Office (USPTO) by February of 2001, Applicants' attorney sent a Request for Status to the USPTO on February 8, 2001. A copy of the Request for Status is enclosed as Exhibit A.

By May of 2001, Applicants had still not received the Notice of Missing Parts.

The enclosed Exhibit B is a printout of the Eckert Seamans Cherin and Mellott, LLC docketing information for the subject application as of May 24, 2001. The printout indicates that as of May 24, 2001, Applicants were still awaiting the Notice of Missing Parts.

In June of 2001, Applicants' attorney moved to the firm of Pietragallo, Bosick and Gordon. On August 20, 2001, a new Power of Attorney was submitted for this application. That new Power of Attorney was apparently treated as a response to the Notice of Missing Parts, resulting in the Notice of Incomplete Reply. Applicants first became aware of the fact that a Notice of Missing Parts had issued upon receipt of the Notice of Incomplete Reply.

Applicants respectfully request that the USPTO accept the enclosed Declaration without payment of any extension of time fees. In the event that a petition fee is required for this request, the enclosed fee transmittal form authorizes the deduction of such fee from a deposit account.

In the event that the USPTO denies this request, then a request for the necessary extension of time is hereby made and the enclosed fee transmittal form authorizes the deduction of such fee from a deposit account.

Respectfully submitted,

*Robert P. Lenart*

Robert P. Lenart  
Reg. No. 30,654  
Pietragallo, Bosick & Gordon  
One Oxford Centre, 38<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219  
Telephone: 412-263-4399  
Facsimile: 412-261-0915  
Attorney for Applicants



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
DANIEL F. DIFONZO ET AL. : DYNAMICALLY RECONFIGURABLE  
Serial No.: 09/620,776 : WIRELESS NETWORKS (DRWiN) AND  
 : METHODS FOR OPERATING SUCH  
 : NETWORKS  
 :  
Filed: July 21, 2000 : Attorney Docket No. 283014-00019

**REQUEST FOR STATUS**

February 8, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants' attorney respectfully requests to know the status of the captioned application. This application was filed on July 21, 2000. Applicants' attorney has received no communication from the Patent and Trademark Office, and respectfully requests that this application be examined at an early date.

Respectfully submitted,

*Robert P. Lenart*

Robert P. Lenart  
Registration No. 30,654  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 566-1252  
Attorney for Applicants

Application No.: 09/420776  
 Attorney or Applicant Name: Robert P. Lenart  
 Telephone Number: 712 366-1252

☒ Date of 1<sup>st</sup> call 5-8-02  
☐ Left Message \_\_\_\_\_  
☐ No answer...call back \_\_\_\_\_  
☐ Date of 2<sup>nd</sup> Call \_\_\_\_\_

\*\*\*\*\*

- ☐ Express Abandonment. Forward to 0220 immediately.
- ☐ Retention. Forward to 0220 immediately.
- ☐ Applicant does not have an attorney
- ☐ Applicant has an attorney
- ☐ If there is no attorney - Call Applicant
  
- ☐ Telephone service is disconnected. A new number was not available.
- ☐ Telephone number has changed.
- ☐ New telephone number is \_\_\_\_\_
- ☐ Called the new telephone number
  
- ☐ Attorney no longer represents the applicant
- ☐ New Attorney has been assigned to this application.
- ☐ Contacted New Attorney
- ☐ New Attorney: Name: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

**Abandon this Application (A copy of the RAM fee sheet must be enclosed)**

- ☐ Sent for Abandonment \_\_\_\_\_
- ☐ Application should be abandoned as instructed by Attorney or Applicant
- ☐ \_\_\_\_\_  
 Name of person who requested PTO to abandon the application

**Do Not Abandon this Application (A copy of the RAM fee sheet must be enclosed)**

- ☐ Petition to revive. Forward to 0220 immediately.
- ☐ Attorney did not receive Missing Parts Notice. Attorney will fax copy of docketing information.
- ☒ Response received on 1-18-02 (See PTO mail stamp.) Response application.
- ☐ Application is being forwarded to JCWS formalities review for processing.
- ☐ Check RAM. RAM inquiry indicates a response was received. Requested applicant/attorney to fax response to me. Response enclosed.
- ☐ Awaiting call from Attorney.
- ☒ Review of this application was completed by [Signature] Print your



Exhibit A

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The date stamp of the  
Patent and Trademark  
Office on this card will be  
taken as an indication that  
the accompanying paper  
was filed.

Transmittal Form

Request for Status Letter

Applicants(s) ...DiFonzo et al.

Ser No. ...09/620,776.....

Paper dated ....2/8/01.....

Atty's File No. ....283014-00019

Due Date.....  
RPL:jsw





F		- MATTERS		05/24/2001-SAN		G	
R		MATTER CALENDAR					
C		Case #: 283014-00019		WIRELESS NETWORK			
M		Paratek - DYNAMICALLY RECONFIGURABLE		Status / Name / Days		C	
C		Event / Action					
S		FILING DATE PATENT/NMP				N	
O		10/21/2000   IDS/ASSIGNMENT		RPL DEADLINE MET		-0	
A		IDS FILED 1/30/01- Assign. filed 4/12/01		RPL CRITICAL DEADLINE		-30	
P		04/21/2001   9 MONTH FF WARNING		BCS		-0	
A		04/21/2001   MISSING PARTS RESPONSE		CRITICAL DEADLINE		N	
A		AWAITING NOTICE-Requested status 2/8/01		SAN		-0	
D		07/21/2001   PATENT FOREIGN FILING DEADLINE		RPL CRITICAL DEADLINE		-30	

Enter any brief Notes about this Event.      F4 -Clr-Find F5 -Add/Upd      F10-More Key  
 F1 -Prv Form F2 -Nxt Form



JAN 18 2002  
PATENT & TRADEMARK OFFICE

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# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/620,776	07/21/2000	Daniel F. DiFonzo	283014-00019

CONFIRMATION NO. 3993

29694

PIETRAGALLO, BOSICK & GORDON  
ONE OXFORD CENTRE, 38TH FLOOR  
301 GRANT STREET  
PITTSBURGH, PA 15219-6404

## FORMALITIES LETTER



\*OC000000007163113\*

Date Mailed: 12/06/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

### Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/20/2001 to the Notice to File Missing Parts (Notice) mailed 01/04/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 345 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$165.
  - \$126 for 14 total claims over 20.
  - \$39 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 575.

*A copy of this notice **MUST** be returned with the reply.*

*Wen*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

03620776

00000062 500859

01/24/2002 AMRE11

370.00 CH  
126.00 CH  
42.00 CH  
65.00 CH

01 FC:201  
02 FC:203  
03 FC:202  
04 FC:205

PART 2 - COPY TO BE RETURNED WITH RESPONSE